

FILED

JAN 30 2002

U. S. DISTRICT COURT
CLERK'S OFFICE
By [Signature] DeputyIN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MIKE FJETLAND,	§	
Plaintiff,	§	CIVIL ACTION NO.
	§	
V.	§	A 02CA 045-SS
	§	
SUSAN WEDDINGTON, CHAIR,	§	
STATE EXECUTIVE COMMITTEE,	§	
REPUBLICAN PARTY OF TEXAS,	§	
Defendant.	§	


JUDGMENT

After considering the evidence tendered in this case and the argument of counsel, it is hereby **ORDERED, ADJUDGED and DECREED** that:

This Court has jurisdiction of this matter under 29 U.S.C. sections 1331 and 1367. Based upon the evidence and upon the decisions in *Pilcher v. Rains*, 853 F.2d 334 (5th Cir. 1988) and *Texas Indep. Party v. Kirk*, 84 F.3d 178, 187 (5th Cir. 1996), this Court finds that Section 141.063(a)(2)(B) of the Texas Election Code, which requires that each petition signature be accompanied by a voter registration number, violates the 1st and 14th Amendments to the United States Constitution, and that any signatures invalidated for a lack of such voter registration number are valid. Further, the Court has considered the opinion of the Texas Supreme Court which was issued following institution of this lawsuit, and finds that petitions invalidated on the basis of a missing city are also valid. *In Re: Kevin H. Bell*, Cause No. 02-003 (January 22, 2002). Consequently, this Court finds that Plaintiff has tendered over 500 valid signatures to Defendant as part of his application for a place on the March 12, 2002, Texas Republican primary ballot.

ACCORDINGLY, it is the judgment of this Court that Plaintiff is entitled to a place on the ballot and Defendant is hereby ORDERED to certify Mike Fjetland to the Texas Secretary of State as a candidate for District 22 of the United State House of Representatives on the March 12, 2002, Texas Republican primary ballot. Defendant Weddington shall do all things necessary pursuant to the Texas Election Code to effectuate this judgment.

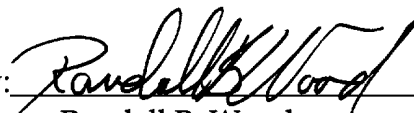
Signed this 30th day of January, 2002.



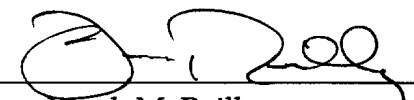
THE HONORABLE SAM SPARKS
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

RAY, WOOD & BONILLA, L.L.P.

By: 
Randall B. Wood
State Bar No. 21905000
2700 Bee Caves Road #200
Austin, Texas 78746
(512) 328-8877
(512) 328-1156 (Fax)
ATTORNEYS FOR PLAINTIFF
MIKE FJETLAND

POTTS & REILLY, L.L.P.

By: 
Frank M. Reilly
State Bar No. 16751985
401 West 15th Street; Suite 850
Austin, Texas 78701
(512) 469-7474
(512) 469-7480 (Fax)
ATTORNEYS FOR DEFENDANT
SUSAN WEDDINGTON, CHAIR
EXECUTIVE COMMITTEE,
REPUBLICAN PARTY OF TEXAS